

in the specification regardless of whether paragraph numbers used. Accordingly, applicants respectfully decline to amend the specification according to the Examiner's suggestion.

Claims 1, 2, 7, 8 and 10 stand rejected under 35 USC 103(a) on Danknick (U.S. Patent No. 6,856,416). Applicants respectfully traverse this rejection.

Danknick discloses a system where multiple copies of the same print job are sent to multiple printers to avoid long delays that result from printing multiple copies of the same print job on a single printer. Danknick does not disclose or suggest obtaining multiple image size information regarding a single print job and comparing the multiple image sizes against stored paper sizes for a plurality of printers to determine and select a printer to which the print job should be sent based on the results of the comparison as recited in claim 1.

While the Examiner has asserted that these features are disclosed in Danknick, the portions of Danknick cited by the Examiner do not correspond to the claimed features. Specifically, the Examiner cites col. 3, lines 46-53, of Danknick as disclosing "an obtaining unit that obtains multiple image size information regarding a print job." However, this portion of Danknick merely defines a printer driver as a program which converts text and graphics into device specific data at the time of printing based on physical characteristics of the printer being used.

Furthermore, the only disclosure in Danknick which relates to the paper in a printer is at col. 5, line 65, through col. 6, line 7, as cited by the Examiner, where Danknick discloses that a host 110 determines if any of the multifunction printers 112 should be disqualified from receiving a print job. Danknick states that one reason for disqualification could be that a printer is "equipped with the incorrect paper type." Disqualifying a printer that does not have a required paper type does not disclose a comparator to compare multiple image sizes of a print job against stored paper sizes in multiple printers to determine which printer is best equipped to handle a print job. Danknick does not disclose a comparator, and does not suggest applicants' invention. Accordingly, claim 1 is allowable over Danknick.

Independent claims 8 and 10 recite features similar to those discussed above with relation to claim 1, and are therefore also allowable. Claims 2 and 7 depend from allowable claims and are therefore also allowable.

Claims 3-6, 9 and 11 stand rejected under 35 USC 103(a) on Danknick in view of Keane (U.S. Patent No. 6,650,433). Applicants respectfully traverse this rejection. Keane does not disclose or suggest the features detailed above with respect to claim 1. Accordingly, claims 3-6, 9 and 11, which depend from allowable claims, are therefore also allowable.

Furthermore, with regard to claims 3, 9 and 11, applicants note that the Examiner has conceded that Danknick does not disclose “An image processing apparatus as claimed in claim 1, wherein the selector selects a printer that has the most paper sizes that match the image sizes.” The Examiner instead asserts that this feature is disclosed in Keane. Applicants respectfully submit that Keane makes no such disclosure: Keane discloses a high volume printing solution where several separate print jobs (generally from different clients) are aggregated, or “ganged together,” using a computer to achieve an optimal layout based on the available space of the paper on which the images are to be printed. Such layouts are shown in Figures 2 and 2A of Keane. Keane never selects a printer that has the most paper sizes that match the image sizes; Keane never even discloses that a printer may be equipped with more than one size of paper. Instead, Keane discloses using a computer to optimally layout an aggregate print jobs to be printed using large scale offset full-color presses (col. 2, lines 23-27) wherein each press is loaded with paper having a single size. Claims 3, 9 and 11 are allowable over the combination of Danknick and Keane.

Additionally, applicants note that on page 7 of the Action that the Examiner concedes that “Danknick and Keane et al do not disclose either ‘An image processing apparatus as claimed in claim 4, further comprising: notification means that notifies an user of that size of paper that is inserted in the paper supply device when the paper supply device is selected or an

image processing apparatus as claimed in claim 4, wherein said device has notification means that notifies the user of all of the image sizes.” The Examiner then appears to make an argument for obviousness based on Danknick and Keane.


Applicants respectfully submit that a rejection under 35 USC 103 is improper once the Examiner has conceded that the references do not disclose the features recited in the claims. Consequently, the rejection of claims 5 and 6 is improper and claims 5 and 6 are allowable.

Applicants solicit an early action allowing the claims.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 32577-2026900.

Dated: October 27, 2005

Respectfully submitted,

By 
Adam Keser
Registration No. 54,217
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102
(703) 760-7301